

On January 30, 2019, undercover narcotics Detectives from multiple agencies were conducting an investigation involving a wanted fugitive who had threatened Officers and who was suspected to have been involved in a recent armed robbery. They followed a car believed to be driven by this fugitive to a gas station in Orem where they blocked the car to prevent him from driving away. As Detectives approached the car, they ordered the driver to get out of the car. The driver repeatedly refused to get out of the car. Detectives opened the driver's door to take him out of the car, but the driver fought with them and resisted arrest. During the struggle detectives noticed a large knife on the suspect's lap which they were able to knock onto the seat. As they pulled the suspect out of the car he refused to go to the ground. Due to the positioning of the car to the gas pump, only one detective was able to attempt to control the suspect. The suspect continued to resist arrest and tried to re-enter the vehicle toward the knife. At that time a Detective used the magazine of a rifle to strike the suspect on the shoulder in an effort to get him to the ground. After this the suspect went to the ground and Detectives took him into custody.

In another case, on February 4, 2019, shortly before midnight, undercover narcotics Detectives from multiple agencies and a Deputy with the Utah County Sheriff's Office were involved in an investigation involving illegal narcotics. The Deputy attempted to make a traffic stop on a car, driven by a 43-year-old Cedar Hills man, as the driver turned from westbound Center Street in Orem onto north bound I-15. When the Deputy turned on his emergency lights the driver increased his speed and refused to stop for the Deputy. When the Deputy saw that the driver was not stopping, he turned off his emergency lights and stopped along the side of the freeway to terminate the pursuit for the safety of other drivers.

The suspect, driving erratically and at speeds in excess of 90 MPH, got off the freeway at the Pleasant Grove interchange, ran a red light, and got right back on northbound I-15. The suspect then got off the freeway at the 500 East off ramp of northbound I-15 in American Fork and drove south on 500 East. At the intersection of 500 East 1100 South in American Fork the suspect tried to make a left turn when he lost control and high centered his car on the edge of the road.

As Detectives and the Deputy arrived where the suspect's car was stuck, they ordered him to get out of the car, but he refused to comply. Detectives ordered the suspect to get out of the car, but he yelled back, telling them he was not getting out. One Detective used a utility tool to break the passenger side front window. Another Detective reached in to get the suspect out of the car, but he resisted and punched that Detective in the face, knocking off his glasses. The Detective who broke the front passenger side window then moved to the driver's side and used that same tool to break the driver's side front window.

Because the suspect was known to these Detectives, they were familiar with his history of carrying concealed weapons, resisting arrest, and evading police. Detectives struggled with the suspect to get him out of the car and to the front of a police vehicle behind his car. While trying to place handcuffs on him he continued to fight and kick Detectives. They put the suspect on the ground behind his car and gave him commands to stop resisting and to put his hands behind his back. He refused all these commands.

As the suspect was face down on the ground, he kept his hands under his stomach and would not bring them out, continuing to defy Detective's orders to comply. In an attempt to get the suspect's arms out from under him and eliminate the threat of the suspect producing a weapon from his waistband, the Detective who was straddling him used a knee strike in the back of Johnson's leg, between his knee and his hip. At the same time another Detective delivered a knee strike and several toe kicks to the suspect's left shoulder and upper arm. Strikes such as these are sometimes used against large muscle groups to weaken the muscles, making it easier, as in this case, for Detectives to gain control of the suspect's other arm. The suspect was then secured with handcuffs.

Detectives filed criminal charges on the suspect to include:

Assault Against Peace Officer – 3rd Degree Felony
Fail to Stop or respond at Command of Police – 3rd Degree Felony
Possession of a Controlled Substance – 3rd Degree Felony
Obstructing Justice – 3rd Degree Felony
Driving Under the Influence of Alcohol/Drugs – Class B Misdemeanor
Interference with Arresting Officer – Class B Misdemeanor
Reckless Driving – Class B Misdemeanor
Use or Possession of Drug Paraphernalia – Class B Misdemeanor
Driving on Denied License – Class C Misdemeanor
Driving too Fast for Conditions – Infraction

All of these charges have been dismissed by the court at the request of the Utah County Attorney's Office.

During a use of force review conducted by the Sheriff's Office, concerns were raised regarding the level of force used in these cases. To insure a fair and broad evaluation of the circumstances, Sheriff Smith initiated an Internal Affairs (IA) investigation regarding the incidents. He also asked a Police Chief from a non-involved agency to review the case. Both of those investigations cited policy violations but exonerated the detectives of excessive use of force concerns. The Utah County Attorney's Office referred the case to the Iron County Attorney's Office to review for criminal charges against the detectives.

On March 18, 2020, Iron County Attorney, Chad Dotson, responded with a letter where he said his office will not bring charges against the Detectives in question. The letter cited: "The declination to file criminal charges in this matter is based on the review of the evidence, applicable law, and the relevant burden of proof."

And although it was not required to send this case to Utah Peace Officer Standards and Training (POST), who have the authority to suspend or revoke police officer certification, Sheriff Smith elected to submit the case to them for possible investigation. This case is currently under review by POST.

For questions contact Sergeant Spencer Cannon, Public Information Officer, Utah County Sheriff's Office.

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